

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THOMAS CHAVERS, SANDRA
PORTZER, BRAZOS VALLEY
CARRIAGE COMPANY, L.P., ALL
AMERICAN ROADRUNNERS, L.P., and
BRAZOS VALLEY ROADRUNNERS, L.P.

Plaintiffs,

vs.

TYRONE MORROW; MICHAEL IKNER;
THE CITY OF BRYAN, TEXAS; THE
CITY OF COLLEGE STATION, TEXAS;
BRAZOS COUNTY, TEXAS;
CHRISTOPHER KIRK; GLENN BROWN;
DAVID WATKINS; SCOTT HINES;
KARLA WIESEPAPE; RACHEL
FALWELL; WALTER SAYERS, and
PETER GLIDEWELL,

Defendants

Case No. 08-cv-3286

RULE 7(a) Reply

COME NOW the Plaintiffs and in reply to Defendant Tyrone Morrow's assertion of qualified immunity and request for Rule 7(a) Reply and would show the Court the following:

1. Plaintiffs incorporate paragraphs 8, 21-49, 50-56, 57-63 of their Third Amended Petition as if stated in full herein. [Document 99 – Filed 3/8/10]
2. Plaintiffs incorporate sections 1 & 4 of their Response to Defendant Tyrone Morrow's Motion for Protection From Discovery, Motion to Dismiss and Alternative Motion for Summary Judgment as if stated in full herein. [Document 63 – Filed 2/23/09]

Prayer for Relief

Wherefore, the Plaintiffs pray:

a. Plaintiffs' Third Amended Petition and the arguments previously presented in Defendant Tyrone Morrow's Motion for Protection From Discovery, Motion to Dismiss and Alternative Motion for Summary Judgment satisfactorily meet the pleading requirement ordered by this Court.

b. If the factual allegations and legal authority referenced herein is insufficient under Rule 7(a) to address Defendant Tyrone Morrow's qualified immunity defense, that Plaintiffs be allowed to replead or amend this response.

Respectfully submitted,

/s/ Jeffrey M. Burns

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2010, I filed the foregoing document electronically with the clerk of the U.S. District Court for the Southern District of Texas. The electronic case filing system will send a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice:

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